

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 2:06-cr-29

ROY STEPHEN RECLA,

HON. ROBERT HOLMES BELL

Defendant.

REPORT AND RECOMMENDATION

Pursuant to W.D. Mich. LCrR 11, I conducted a plea hearing in the captioned case on October 26, 2006, after receiving the written consent of defendant and all counsel. At the hearing, defendant ROY STEPHEN RECLA entered a plea of guilty to the Felony Information, charging defendant with conspiracy to distribute and to possess with the intent to distribute controlled substances, to wit: oxycodone, commonly known as Oxycontin, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(C), in exchange for the undertakings made by the government in the written plea agreement. On the basis of the record made at the hearing, I find that the defendant is fully capable and competent to enter an informed plea; that the plea is made knowingly and with full understanding of each of the rights waived by defendant; that it is made voluntarily and free from any force, threats, or promises, apart from the promises in the plea agreement; that the defendant understands the nature of the charge and penalties provided by law; and that the plea has a sufficient basis in fact.

I therefore recommend that defendant's plea of guilty to the Felony Information be accepted, that the Court adjudicate defendant guilty, and that the written plea agreement be accepted at the time of sentencing. It is further recommended that defendant remain detained pending sentencing. Acceptance of the plea, adjudication of guilt, acceptance of the plea agreement, and imposition of sentence are specifically reserved for the district judge. The clerk is directed to procure a transcript of the plea hearing for review by the district judge.

/s/ Timothy P. Greeley

TIMOTHY P. GREELEY

UNITED STATES MAGISTRATE JUDGE

Dated: October 26, 2006

NOTICE TO PARTIES

You have the right to *de novo* review of the foregoing findings by the district judge. Any application for review must be in writing, must specify the portions of the findings or proceedings objected to, and must be filed and served no later than ten days after the plea hearing. *See* W.D. Mich. LCrR 11.1(d).